

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND  
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.  
*See* Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK

JAN 24 2012

COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	2 CA-CR 2011-0081
	)	DEPARTMENT B
Appellee,	)	
	)	<u>MEMORANDUM DECISION</u>
v.	)	Not for Publication
	)	Rule 111, Rules of
DOUGLAS GEORGE VELASQUEZ,	)	the Supreme Court
	)	
Appellant.	)	
_____	)	

APPEAL FROM THE SUPERIOR COURT OF COCHISE COUNTY

Cause No. CR201000790

Honorable Wallace R. Hoggatt, Judge

AFFIRMED

Mark A. Suagee, Cochise County Public Defender  
By Mark A. Suagee

Bisbee  
Attorney for Appellant

V Á S Q U E Z, Presiding Judge.

¶1 After a jury trial, appellant Douglas Velasquez was convicted of aggravated assault, a dangerous-nature offense, and sentenced to a five-year prison term. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), avowing “he has reviewed the entire record but has found no tenable issue to raise on appeal.” Consistent with *Clark*, 196 Ariz. 530, ¶ 32, 2 P.3d at 97, he has provided “a detailed factual and procedural history of the case with citations to the record,” and asks this court to search the record for potential error. Velasquez has not filed a supplemental brief.

¶2 We conclude substantial evidence supported the jury’s verdict. *See* A.R.S. §§ 13-1203(A)(2), 13-1204(A)(2). Although Velasquez disputed the evidence, there was testimony at trial that J.E. and his family were outside near their home when Velasquez, his neighbor, approached him while yelling and brandishing a fourteen-inch butcher knife. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999) (appellate court views evidence in light most favorable to sustaining jury’s verdict); *State v. Cid*, 181 Ariz. 496, 500, 892 P.2d 216, 220 (App. 1995) (“The finder-of-fact, not the appellate court, weighs the evidence and determines the credibility of witnesses.”). Velasquez was represented by counsel and had the opportunity to argue his conduct was justified and to raise affirmative defenses. Our review of Velasquez’s sentence confirms it was within the range authorized and was imposed in a lawful manner. *See* A.R.S. § 13-704(A).

¶3 In our examination of the record pursuant to *Anders*, we have found no fundamental or reversible error and no arguable issue warranting further appellate review.

*See Anders*, 386 U.S. at 744. Accordingly, we affirm Velasquez’s convictions and sentences.

/s/ *Garye L. Vásquez*  
GARYE L. VÁSQUEZ, Presiding Judge

CONCURRING:

/s/ *Philip G. Espinosa*  
PHILIP G. ESPINOSA, Judge

/s/ *Virginia C. Kelly*  
VIRGINIA C. KELLY, Judge